

## REMARKS

### Allowable Claims

The Office has found that claims 24, 36, 43 to 45 are patentable. Claim 24 has been incorporated into claim 1, thereby rendering independent claim 1 and all examined claims depending there from as patentable. Further claims 36 and 43 have been rewritten as independent claims.

### Withdrawn Claims

During the recently issued Restriction Requirement the Office determined that certain claims recited distinct and different materials. Applicants have amended some of these withdrawn claims and request that the Office review this matter.

Claims 27, 30, 31, 32 and 33 have been amended wherein the X moiety is not present in the molecule, and as such, fits with the scope of claim 1. Notably, claim 1 recites that "L" is only an optional linker. Thus if "X" described in claims 27 and 30 is not present and L from claim 1 is not included then claims 27 and 30 these claims fit within the scope of claim 1.

In claim 31, X is not present, L is not present but "m" is equal to 2 and thus fits within the scope of claim 1.

In claim 32, X is not present, and L is  $-C(O)NH-$ , thus fits within the scope of claim 1.

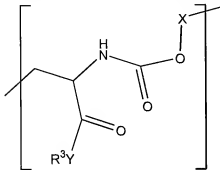
In claim 33, X is not present as recited in claim 33, L is  $-C(O)X-$  wherein X is an alkyl and thus fits within the scope of claim 1.

In claim 34, L is  $-C(O)NHx-$  wherein X is an alkyl and  $n = 1$ , thus fits under the scope of claim 1. Notably, claim 35 also fits because claim 1 allows for "M" = to 2.

Claim 41 fits within the scope of claim 1 because L is  $C(O)NH$ , then there is a PEG string and R is an alkyl.

Claim 42, like 41 fits within the scope of claim 1 because "m" is equal to 2.

Claim 43 fits within the scope of claim 1 because L is



and X is not present as recited in claim 1, PEG is a string and R is a methyl group.

Thus, applicants are requesting that the Office review this matter and consider that all these claims 27, 30 to 34, and 41 to 43 should be found allowable.

#### **Rejections of Claims and Traversal Thereof**

In the April 5, 2005 Office Action:

claims 23, 25, 26 and 47 were rejected under 35 §USC 112, second paragraph;

claim 46 was rejected under 35 §USC 112, second paragraph and 35 §USC 101;

claims 1-22 were rejected under 35 U.S.C. §102(a) or (b) as being anticipated by multiple references.

These rejections are hereby traversed, and reconsideration of the patentability of amended claims herein is requested, in light of the ensuing remarks.

#### **Rejection under 35 USC §112, second paragraph**

Claims 23, 25, 26, 46 and 47 were rejected under 35 §USC 112, second paragraph. According to the Office, the term "biologically active agent" is indefinite because "it is not clear what structure applicants are claiming." Applicants insists that one skilled in the art reading the application would

have no difficulty in understanding the meaning of the term "biologically active agent" especially after reading the specification. The specification clearing provides numerous examples of biologically active agents including small molecules or a sequence of amino acid residues referred to by most freshmen in college biology as a protein or a peptide. As stated in the first paragraph in the "Detailed Description of the Invention" section, "The invention provides an aryl carbamate class of oligomers for conjugation to biologically active agents, **such as drug moieties, and especially protein drug moieties**," (emphasis added) Applicants provided a list of such drug moieties and protein drug moieties in the "Definitions" section (bottom of page 6 and top of page 7). Thus, a skilled artisan would have no trouble determining the meaning of the term "biologically active agent."

Claims 46 and 47 have been amended to provide steps for synthesizing the compound of claim 1 and provide method of treatment claims, there by obviating these rejections. Applicants request that these rejections be withdrawn.

#### **Rejection under 35 U.S.C. §102(a) or (b)**

Claims 1-22 were rejected under 35 U.S.C. §102(a) or (b) as being anticipated by multiple references. As stated above, claim 24 was found allowable and has been incorporated into claim 1, thereby rendering independent claim 1 and all examined claims depending there from as patentable. As such this amendment has overcome all anticipation rejections and applicants request that all claims are found allowable.

#### **Petition for Extension and Fees Payable**

Applicants petition for a one-month extension for responding to the April 5, 2007 Office Action extending the due date from July 5, 2007 to August 5, 2007 with an extension fee of \$120.00. Applicant has added two additional independent claims with a fee due of \$400.00. These fees are being paid by electronic transfer. However, if any additional fee is found due the Commissioner is authorized to charge any deficiencies of payment associated with response to Deposit Account No. 13-4365.

#### **Conclusion**

Applicants have satisfied the requirements for patentability. All pending claims are free of the art and fully comply with the requirements of 35 U.S.C. §112. The pending claims, as now amended,

patentably distinguish over the prior art, and in view of the forgoing remarks, it is respectfully requested that all rejections be withdrawn thereby placing the application in condition for allowance. Notice of the same is earnestly solicited. In the event that any issues remain, Examiner Nwaonicha is requested to contact the undersigned attorney at (919) 286-8089 to resolve same.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marianne Fuierer".

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Date: August 10, 2007